

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

05 Cr. 621 (KMK)

ALBERTO WILLIAM VILAR and
GARY ALAN TANAKA,
Defendants.

DECLARATION

I, ALBERTO VILAR, hereby declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct:

1. I am a defendant in the above-captioned case and I make this Declaration in support of my motions to suppress evidence seized from the Amerindo Offices at 399 Park Avenue, 22nd Floor, New York, New York and any statements I made at or about the time of my arrest..

2. On May 25, 2005 and prior thereto, I was the President and a major shareholder of Amerindo Investment Advisors, Inc., ("Amerindo") which leased offices on the 22nd floor of 399 Park Avenue. I believe, but am not certain without looking at the document, that I signed the lease on Amerindo's behalf as its President. For years prior to the search, I worked at the premises on a daily basis.

3. As Amerindo's President and a daily presence on the premises, I expected that my offices would remain free of unlawful official intrusion. In other words, I had an expectation of and a right, I believe, to maintain the privacy of the premises where I worked and of the corporate entities comprising Amerindo.

4. On or about May 25, 2005, I was arrested at Newark Airport. To the best of my recollection, and I believe my recollection is accurate, at no time before my arrest or while I was being transported for processing or thereafter was I ever told or read a list of rights.

Signed this 12th day of September, 2005, in the County of New York, State of New York


ALBERTO VILAR